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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 RODERICK R. DAVIDSON,
10 Petitioner,
11 vs.
12 DWIGHT NEVEN, et al.,
13 Respondents.

Case No. 2:14-cv-00551-APG-NJK
ORDER

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15 Petitioner has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254
16 (Dkt. #1), an application to proceed *in forma pauperis* (Dkt. #2), and a motion for appointment of
17 counsel (Dkt. #3). Petitioner is unable to afford counsel, and the issues presented warrant the
18 appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B). The application (Dkt. #2) is moot
19 because petitioner has paid the filing fee.

20 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (Dkt.
21 #2) is **DENIED** as moot.

22 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (Dkt.
23 #3) is **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.

24 **IT IS FURTHER ORDERED** that the Federal Public Defender shall have thirty (30) days
25 from the date that this order is entered to undertake direct representation of petitioner or to indicate
26 to the court his inability to represent petitioner in these proceedings. If the Federal Public Defender
27 does undertake representation of petitioner, he shall then have sixty (60) days to file an amended
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1 petition for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner,
2 then the court shall appoint alternate counsel.

3 **IT IS FURTHER ORDERED** that neither the foregoing deadline nor any extension thereof
4 signifies or will signify any implied finding of a basis for tolling during the time period established.
5 Petitioner at all times remains responsible for calculating the running of the federal limitation
6 period and timely asserting claims.

7 **IT IS FURTHER ORDERED** that the clerk shall add Catherine Cortez Masto, Attorney
8 General for the State of Nevada, as counsel for respondents.

9 **IT IS FURTHER ORDERED** that the clerk shall electronically serve both the Attorney
10 General of the State of Nevada and the Federal Public Defender a copy of the petition (Dkt. #1) and
11 a copy of this order.

12 **IT IS FURTHER ORDERED** that respondents' counsel shall enter a notice of appearance
13 within twenty (20) days of entry of this order, but no further response shall be required from
14 respondents until further order of the court.

15 **IT IS FURTHER ORDERED** that any exhibits filed by the parties shall be filed with a
16 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments
17 that are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits
18 in the attachment. The hard copy of any additional state court record exhibits shall be
19 forwarded—for this case—to the staff attorneys in Las Vegas.

20 Dated: September 12, 2014.

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ANDREW P. GORDON
United States District Judge

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